

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DICK ANTHONY HELLER, et al.,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	Case No. 10-7036
)	
DISTRICT OF COLUMBIA, et al.,)	
)	
Defendants-Appellees.)	
)	

**MOTION OF BRADY CENTER TO PREVENT GUN VIOLENCE,
HISPANIC AMERICAN POLICE COMMAND OFFICERS
ASSOCIATION, INTERNATIONAL BROTHERHOOD OF POLICE
OFFICERS, AND NATIONAL BLACK POLICE ASSOCIATION
FOR LEAVE TO FILE SUPPLEMENTAL BRIEF AMICUS CURIAE**

Pursuant to Fed. R. App. P. 29 and D.C. Cir. Rule 29, *amici* Brady Center to Prevent Gun Violence (“Brady Center”), Hispanic American Police Command Officers Association, International Brotherhood Of Police Officers, and National Black Police Association respectfully move this Court for leave to file a supplemental brief *amicus curiae* in response to the Order issued by this Court on November 16, 2010 in *Heller, et al., v. District of Columbia, et al.*, No. 10-7036, which requested supplemental briefing on four issues concerning the application of D.C. Code § 1-303.43 to this case. Counsel for Defendants-Appellees has consented to the filing of this supplemental brief. Counsel for Plaintiffs-Appellants has objected.

Amici have a significant interest in the outcome of this case, and in particular the questions posed by this Court in its order for supplemental briefing. The Brady Center is a non-profit organization dedicated to reducing gun violence through education, research, and legal advocacy. Through its Legal Action Project, the Brady Center has filed numerous briefs *amicus curiae* in cases involving the constitutionality of firearms regulations. The Hispanic American Police Command Officers Association represents 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs' offices, and state and federal agencies. The International Brotherhood of Police Officers is one of the largest police unions in the country, representing more than 50,000 members. The National Black Police Association represents approximately 35,000 individual members and more than 140 chapters. *Amici* focus on the problem of gun violence and its impact on the victims of gun violence, law-enforcement personnel, and society at large. They therefore have a strong interest in ensuring that the Second Amendment does not stand as an obstacle to effective governmental action to prevent gun violence.

In addition, the Brady Center attorneys have made significant contributions to scholarly research on the constitutionality of gun laws. *See, e.g.*, D. Henigan, *The Second Amendment in the Twentieth Century: Have You Seen Your Militia Lately?*, 15 U. Dayton L. Rev. 5 (1989); D. Henigan, *Arms, Anarchy and the*

Second Amendment, 26 Val. U. L. Rev. 107 (1991); D. Henigan, E.B. Nicholson, D. Hemenway, *Guns and the Constitution: The Myth of Second Amendment Protection for Firearms in America* (Aletheia Press 1995).

This supplemental brief offers a critical perspective on the application of D.C. Code § 1-303.43 to this case—specifically, on the question whether the District of Columbia’s regulation of assault weapons and high-capacity ammunition magazines is “usual and reasonable” within the meaning of D.C. Code § 1-303.43. *Amici*’s supplemental brief does not duplicate arguments already made by the parties in this case.

Appellants will not be prejudiced by the filing of the proposed supplemental brief *amicus curiae*. The attached brief merely offers different perspectives on an issue that the parties have been instructed to address in their supplemental briefs. Moreover, pursuant to this Court’s scheduling order, Appellants’ supplemental reply brief will be due January 21, 2011. Accordingly, Plaintiffs will have sufficient time to respond to the points made in *amici*’s supplemental brief.

Respectfully submitted,

/s/ Paul R.Q. Wolfson*

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DISCLOSURE STATEMENT

Heller et al. v. District of Columbia et al., No. 10-7036

Pursuant to Fed. R. App. P. 26.1 and D.C. Cir. Rule 26.1, the Brady Center to Prevent Gun Violence states that it is a § 501(c)(3) non-profit corporation dedicated to reducing gun violence through education, research, and legal advocacy. The Brady Center to Prevent Gun Violence has no parent corporation, and no publicly held corporation holds ten percent or more of its stock.

The Hispanic American Police Command Officers Association states that it has no parent corporation, and no publicly held corporation holds ten percent or more of its stock.

The International Brotherhood of Police Officers states that it is a § 501(c)(3) non-profit corporation dedicated to reducing gun violence through education, research, and legal advocacy. The International Brotherhood of Police Officers has no parent corporation, and no publicly held corporation holds ten percent or more of its stock.

The National Black Police Association states that it is a § 501(c)(3) non-profit corporation dedicated to reducing gun violence through education, research, and legal advocacy. The National Black Police Association has no parent corporation, and no publicly held corporation holds ten percent or more of its stock.

Amici are represented herein by Paul R.Q. Wolfson, who is counsel of record, A. Stephen Hut, Jr., Joshua M. Salzman, Laura Moranchisek Hussain, and Francesco Valentini of Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue N.W., Washington, D.C. 20006; and Jonathan E. Lowy and Daniel R. Vice of the Brady Center to Prevent Gun Violence, Legal Action Project, 1225 Eye Street, N.W., Suite 1100, Washington, D.C. 20005.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of January, 2011, I electronically filed (1) the foregoing Motion of Brady Center to Prevent Gun Violence, Hispanic American Police Command Officers Association, International Brotherhood of Police Officers, and National Black Police Association for Leave to File Supplemental Brief Amicus Curiae and (2) the attached supplemental brief *amicus curiae* using the Court's CM/ECF system. I certify that the following counsel for the parties or *amici* are registered as ECF Filers and that they will be served electronically by the CM/ECF system:

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